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09-11-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	
Hofstra et al.	:	
Application Serial No.:	:	Attorney Docket No.: DVME-1009US
09/380,336	:	Group Art Unit: 1641
Filed: November 23, 1999	:	Examiner: G. Gabel
For: DIAGNOSTIC NEODYMIUM (III)	:	
YTTERBIUM (III) OR ERBIUM	:	
(III) ION-LIGAND COMPLEXES	:	

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U.S. PATENT & TRADEMARK OFFICE

REQUEST FOR REFUND UNDER 37 CFR 1.26

Commissioner for Patents
Washington, D.C. 20231
Attention: Office of Finance

Sir:

An Advisory Action (copy enclosed with emphasis added) was mailed February 4, 2002 by the Office in connection with the above-captioned application. The Advisory Action set the term for reply five (5) months from the mailing date of the final rejection, which was mailed August 14, 2001. Thus a response to the final rejection was due **January 14, 2002**.

In response to the Final Rejection, a Notice of Appeal was submitted February 14, 2002 accompanied by a Petition and Request for a One Month Extension of Time and a check in the amount of \$55.00 for the one-month extension fee.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this paper, along with any document or paper referred to as being attached, is being deposited with the United States Postal Service as first class mail on July 16, 2002 under 37 CFR 1.8 in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, Attention: Office of Finance.

Lynne Webb
Name of person mailing correspondence

Lynne Webb
Signature of person mailing correspondence

Upon review of the USPTO Monthly Statement of Deposit Account dated March 29, 2002 for Deposit Account No. 50-0462, a charge in the amount of \$405.00, fee code 217, was made on March 26, 2002 (See enclosed copy of Deposit Account Statement with emphasis added).

In view of the term set by the Advisory Action, it is Applicants' position that the Notice of Appeal was correctly filed with the one-month extension of time. Therefore, a refund in the amount of \$405.00 is respectfully requested.

Please credit deposit account No. 50-0462 in the amount of \$405.00. Although no fee is believed to be due in connection with this filing, please charge and/or credit deposit account No. 50-0462 for any fee, which may be due or credit the deposit account for any overpayments.

Respectfully submitted,



John L. Knoble
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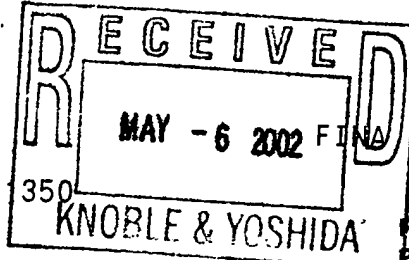
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Patent and Trademark Office

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Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and
return top portion with your check. Make check
payable to Commissioner of Patents & Trademarks.

KNOBLE & YOSHIDA LLC
JOHN L KNOBLE
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1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103



Account No.	500462
Date	3-29-02
Page	1

PLEASE SEND REMITTANCES TO:
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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
3	1	02	259	PCT/US01/23344	ATTD-1001PCT	190	490.00	6722.00
3	1	02	260	PCT/US01/23344	ATTD-1001PCT	803	146.00	6576.00
3	4	02	158	09845233	DANI-0005USC	581	40.00	6536.00
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3	4	02	160	09845233	DANI-0005USC	581	40.00	6456.00
3	6	02	1	09737412	TGXX-1008US	215	55.00	6401.00
3	7	02	216	533559		566	15.00	6386.00
3	11	02	40	09708617		566	15.00	6371.00
3	11	02	42	09708617	DVME-1022US	585	135.00	6236.00
3	12	02	70	10091216	DVME-1022US	203	45.00	6191.00
3	12	02	119	09737412	TGXX-1008US	215	55.00	6136.00
3	13	02	11	09708617		566	-15.00	6151.00
3	13	02	12	09708617	DVME-1006US	585	-135.00	6286.00
3	15	02	103	09912027	ATTD-1001US	205	65.00	6221.00
3	19	02	280	PCT/US01/49297	QUIG-1001WO	803	9.00	6212.00
3	21	02	279	29143497	CCK-0047	561	9.00	6203.00
3	21	02	283	29143494	CCK-0051	561	9.00	6194.00
3	26	02	4	09380336	AEM2527P1US	217	405.00	5789.00
3	29	02	24	10091216	DVME-1022US	203	18.00	5771.00
N AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED IT ALWAYS BE ON DEPOSIT.				OPENING BALANCE	TOTAL CHARGES		TOTAL CREDITS	CLOSING BALANCE
				7212.00	1591.00		150.00	5771.00



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,336	11/23/1999	JOHANNES WILLEM HOFSTRAAT	AEM2527PIUS	2490

21302 7590 02/04/2002

KNOBLE & YOSHIDA
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SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER

GABEL, GAIENE

ART UNIT

PAPER NUMBER

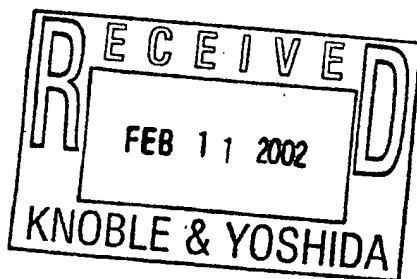
1641

DATE MAILED: 02/04/2002

15

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)



DOCKETED :	0190 to 2/14/02
ACTION :	response
BASE DATE :	2/14/01
DUE DATE :	2/14/02
DEADLINE :	2/14/02
ATTORNEYS :	KNO
INITIAL :	ms

Advisory Action

09/380,336

Examiner
Gailene R. GabelArt Unit
1641

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 27 December 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-14.

Claim(s) withdrawn from consideration: NONE.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Christopher L. Chin
CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800/641

Gailene R. Gabel
1/31/02